

WASHINGTON, D. C., FRIDAY, APRIL 26, 1940.

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## Scott Circle Underpass Fund This Year Urged

Senate Committee Told of Need to Restore Project

By J. A. O'LEARY.  
Restoration of the Scott Circle underpass project to the 1941 District appropriation bill was urged by Arthur J. Sundlum, spokesman for the Keystone Automobile Club of Washington, as Senate hearings on the measure continued today.

The Keystone Club also indorsed additional amounts allowed by the House for snow removal and for maintenance of traffic lights.

Mr. Sundlum said his organization was one of the first to advocate underpasses at Dupont, Scott and Thomas Circles.

**Simultaneous Project Urged.**  
"We favored construction of the Dupont Circle underpass ahead of the others, and we have always felt that it was a mistake to authorize the construction of the underpass at Thomas Circle without simultaneously authorizing the Scott Circle underpass, because these, we feel, should have been treated as a single project," the witness said.

"The tremendous traffic congestion which has developed at Scott Circle, particularly during the evening rush hours, has seemed to support our view in this respect."

The subcommittee's attention was called to the fact that it would not increase the total of the House bill to restore the Scott Circle authorization, since the District expects to have it built out of funds already available as a Federal-aid highway.

**Better School Lights Urged.**  
Funds to remedy poor lighting facilities in some school buildings were requested by Mrs. Leslie B. Wright, who said a survey showed 22 buildings in need of better lighting.

Speaking for the Forest Hills Citizens' Association, Mrs. Wright also recommended provision for an assistant principal at Woodrow Wilson High School.

Purchase of a school site in the American University Park section was urged by Henry L. Coleman, representing the American University Park Citizens and the Northwest Citizens' Council.

H. J. Clay of the Rhode Island Avenue Citizens' Association told of the need for a 10-room addition to the Taft Junior High School and requested for the Langdon Park a field house, improved lighting and police protection.

**New Junior High Advocated.**  
Speaking for the Congress Heights Citizens' Association and the Anacostia High School Parent-Teacher Association, J. L. Gelman asked the Senate to take action on a new junior high school in the vicinity of Seventeenth and Q streets S.E.

Weston R. Clark of the Guidance and Personnel Association indorsed the estimate for two new vocational guidance teachers in the public schools.

The subcommittee recessed at noon to plan to hear another group of civic spokesmen this afternoon.

**A. F. L.-C. I. O. Dispute Sops Project**

About 50 A. F. L. construction workers walked off an elevator installation project in the State, War and Navy Building today in protest against the union's employment of five C. I. O. men on the brick work part of the job.

The subcontractor, Sam Merando, said he had asked the A. F. L. to furnish the brickworkers, but that the Federation had refused on the ground that Merando employs C. I. O. men on other construction projects in the city.

A. F. L. officials said, however, that the principle of a closed shop on the complete installation project was the issue at stake. They pointed out that Frank Davis, contractor, who sublet the brick work to Mr. Merando, used A. F. L. workers on all other parts of the job.

Those participating in the walkout included steamfitters, iron workers, carpenters, electricians, plumbers and laborers.

In commenting on the walkout, Mr. Davis said that his agreement with Mr. Merando called for employment of "union labor," and that in earlier stages of the work Mr. Merando had used A. F. L. men.

Mr. Davis asserted that he formerly used only A. F. L. construction workers, but had shifted to use of C. I. O. workers about two months ago. He described the walkout as "an A. F. L. attempt to put the squeeze on me for using C. I. O. men on other jobs—I asked the A. F. L. to give me brickworkers for the State Department job, but they refused. There was nothing else for me to do but put on C. I. O. workers."

There was no disruption of elevator service in the building because of the walkout. Some of the elevator shafts have been closed for some time for the installation project.

H. R. Caldwell of the conciliation service of the Labor Department was asked to aid in attempting to settle the dispute.

**Publication Wins Award**  
The Central High School Bulletin, student newspaper, won all-American rating in the 1940 All-American Critical Service of the National Scholastic Press Association, it was announced here yesterday.

**Traffic Record**  
The traffic record, as revealed at police headquarters for 24-hour period ending at 8 a. m. today:

Fatalities, none.  
Accidents, 27.  
Motorists injured, 7.  
Motorists arrested, 345.  
Pedestrians injured, 2.  
Pedestrians arrested for violation of pedestrian control regulations, 5.



IN GEORGETOWN, WHERE GARDENS BLOOM—The garden of Mrs. R. H. A. Carter at 3231 Reservoir road N.W. is one of the group of gardens that will be opened to the public tomorrow from 1:30 to 6:30 p. m. to support the welfare activities of Georgetown Children's House.



Preparing for the Georgetown garden tours, Mrs. William B. Poland is shown at work in her garden where Mrs. Melvin A. Hall looks on. The Poland estate at 1675 Thirtieth street N.W. will also be open tomorrow.



Another stop on the garden tour tomorrow will be the estate of Mrs. H. C. Davidson, at 3238 R street N.W. This garden is one of the 18 estates to be opened for the tours, the second of which will be held May 4. Included on the tours are most of the historic estates as well as the modern gardens of Georgetown.

## Georgetown Garden Pilgrimage to Be Held Tomorrow

Proceeds From Tour Will Be Used for Children's House

The first of this spring's Georgetown garden pilgrimages will be held from 1:30 to 6:30 p. m. tomorrow, with green and white flags marking the gates of gardens open for the tour.

Tulips, narcissus and flowering shrubs will be among the displays at some of the oldest and newest gardens in the city.

Proceeds from the pilgrimage go to support activities of the Georgetown Children's House, at 3224 N street N.W., now celebrating its 10th birthday anniversary.

**Tea at Dumbarton Oaks.**  
Tea will be served from 4 to 6 o'clock in the grounds of Dumbarton Oaks, 3101 R street N.W., the home of Mr. and Mrs. Robert Woods Bliss.

The estate was built 140 years ago and was once the home of John C. Calhoun.

Other types of gardens will be represented. Among these is the tiny garden less than 3 years old behind the home of Mrs. R. H. A. Carter, 3231 Reservoir road N.W. It was built on a lot less than 20 feet wide.

Another modern garden, more formal in style, is behind the modern architecture of a home at 3230 Reservoir road.

**Gardens on Small Plots.**  
The tour will demonstrate what can be done with limited facilities, according to the chairman of the Tour Committee, Mrs. R. F. Whitehead. She said:

"The families who planned and planted their gardens over a century ago had more ground, and probably better ground, to work with—but the gardens open tomorrow show that the owner of the modern small city lot can achieve equal perfection on a smaller scale."

Included in the group of gardens are those of Mrs. Howard C. Davidson, 3238 R street N.W.; Mrs. Fernand Cuniberti, 3224 R street, and Mrs. William Poland, 1675 Thirtieth street N.W. A different group of gardens will be open the following Saturday, May 4.

Tickets admitting to all gardens can be bought at leading hotels, the A. A. A., Francis Scott Key Bookshop, or at any garden gate.

**Sigma Nu Phi to Hold Initiation Banquet**

Representative Boehne of Indiana will be the principal speaker at the annual initiation banquet of the Sigma Nu Phi, international legal fraternity, at the Continental Hotel tomorrow night. James L. Whitaker is chancellor of the group.

New members to be admitted in ceremonies preceding the banquet are Robert B. Power, Elmer M. Amundson, Francis M. Divilio, Theodore G. Craver, Theodore S. Cuttitta, Henry R. Kempka, Thomas A. McDonald, Frederick K. Renner, Wilfred J. Serpas, Alex S. Ward and Glenn Wimer.

**Gunston Junior School To Crown May Queen**

The Junior School of Gunston Hall will present its spring festival at 4:30 p. m. tomorrow at the school, 1906 Florida avenue N.W. This is the last of series of projects in the use of skills and social abilities, it was said.

The play is presented each year as the focal point of the festival honoring the May Queen, who this year is Charlotte Mellum. She will be crowned with a lei of pink carnations sent by Clipper plane from Honolulu by Frances Nunn, a classmate of the queen in the junior school last year.

## Doctors to Appeal Anti-Trust Decision To Supreme Court

Petition Will Be Filed Monday for Review Of A. M. A. Case

By HAROLD B. ROGERS.  
Defendants in the anti-trust medical case will appeal to the Supreme Court of the United States next Monday.

This was learned today from Seth W. Richardson, counsel for the American Medical Association, who said that petition for a writ of certiorari will be filed with the high court Monday, to ask a review of a decision of the Court of Appeals here holding that the medical profession falls within jurisdiction of the anti-trust act.

All defendants, including four groups of doctors and 21 individuals, will join in the appeal. They are: The American Medical Association, the District of Columbia Medical Society, the Harris County (Texas) Medical Society, the Washington Academy of Surgery, and 21 physicians and surgeons, including officials of the A. M. A. at Chicago and certain Washington doctors.

**Lower Court Reversed.**  
The Court of Appeals here, on March 4, reversed a decision of the District Court, which had held that the practice of medicine was not subject to the Sherman Anti-Trust Act. The defendants had been indicted in December, 1938, for alleged restraint of trade and boycott of Group Health Association, its doctors, and Washington Hospitals.

First attempt to obtain a review of the decision of District court by the Supreme Court met with failure when the Government appealed directly from District Court, before getting a decision in the case by the Court of Appeals.

The denial of the writ at that early stage of the litigation, however, it was said in legal circles, does not necessarily mean that the high tribunal this time would refuse to review the decision of the Court of Appeals.

**Three Issues Involved.**  
In the decision of the Court of Appeals, which the Supreme Court is asked to review, there were three principal issues involved. The first was whether the practice of medicine falls within the purview of the Sherman Anti-Trust Act. The second was whether, if the law is applicable, the restraints charged in the case were unreasonable, and therefore illegal, and thirdly, whether the indictment was defective in form, as charged by the defense.

The appellate tribunal held the Anti-Trust Act to be applicable, ruled that the question of reasonableness or otherwise of the alleged restraints was a matter to be proved at trial, and decided that the indictment was not defective in form. The case was remanded back to District Court. Defendants have not yet been brought to trial on the merits of the case. Whether or not they will come to trial depends on the Supreme Court.

**Trail Club Plans Hike In Shenandoah Park**

Members of the Potomac Appalachian Trail Club will leave Washington early Sunday for a hike in Shenandoah National Park.

There will be a choice of two trips, one 8 miles and the other 10½ miles. Both will begin at Hawksbill Gap and end at Skyland. The trail descends the narrow gorge of Cedar Run, with its waterfalls and with cliffs towering above. There is a descent of 2,100 feet and an ascent of about 2,400 feet, so leaders advise that only hikers in good condition should undertake the trip.

The party will leave by bus at 7 a. m. Sunday from Eighteenth street and Pennsylvania avenue N.W. Leader of the trip is A. Laurence Curl, 2307 Russell road, Alexandria, Va.

## Ickes and Commissioners At Odds on Underpass Plans

Secretary Also Carries Fight for Joint Recreation Jurisdiction to Senate

A controversy between Secretary of the Interior Ickes and District Commissioners is developing at Senate hearings on the District appropriation bill, it was learned today.

The controversy involves specifically items providing for a Scott Circle underpass and the exchanging of the salary of District co-ordinator of recreation for the National Park Service, a post now held by Lewis R. Barrett, for that of first assistant superintendent of schools.

Secretary Ickes and park service officials are reported incensed over the wording of the underpass provision which the Commissioners are trying to have restored to the bill. They contend that the provision does not set forth that the plan for the underpass must be approved by the Secretary.

**See Destruction of Layout.**  
Mr. Ickes and park officials are reported to feel that the plan drawn up by Capt. H. C. Whitehurst, District highway director, would destroy the present character of Scott Circle and also the Daniel Webster and Dr. Samuel Hahnemann memorial reservations adjacent to the circle.

Mr. Ickes would amend the bill to provide that plans for the underpass must be approved by the Secretary of the Interior as well as the National Capital Park and Planning Commission because park lands for which he is solely responsible are involved.

It was learned that the Secretary has departed from the custom of proposing amendments to District legislation through District officials and has written directly to Chairman Overton of the Senate Appropriations Subcommittee asking for careful consideration of the amendments he favors.

**Landscaping Cited.**  
Supporting Mr. Ickes contention, a park official said today the present underpass plans would destroy the reservations, which are planted with weeping cherry trees, prime ginkgo trees and carefully-nursed shrubs, and leave the statues in the middle of bare sidewalks.

The Park and Planning Commission is reported going along with Secretary Ickes and parks authorities in the matter. While it approved the underpass plans in principle last week, the commission approved only that part of the plan which involved the abolition of the Sixteenth street axis. Although it did not announce it had done so at the time the commission declined to approve the remainder of the plan, it was learned today, until better treatment was given park property and planting at the Circle.

In regard to the abolishment of the position of District Co-ordinator of Recreation for the Park Service, together with its \$5,600 salary, and the transfer of this sum to provide for the salary of a first assistant superintendent of schools in charge of recreation, Secretary Ickes and park officials are unalterably opposed to the change, it was learned.

**Ickes Amendment.**  
Mr. Ickes letter to the Senate Committee proposes amending the bill to place the recreation system under the joint control of the Board of Education and the Superintendent of National Capital Parks.

Mr. Ickes feels and expressed the feeling in his letter, it was learned, that the city's recreational program involves use of more than 170 facilities in active recreation areas under the jurisdiction of the Office of National Capital Parks, and for which the latter agency is solely responsible where maintenance and improvement are concerned, that joint park and school control is the only solution to the recreation administrative problem.

He also is reported to feel that the salary of co-ordinator should be left untouched or that the salary should be arranged for jointly by the School Board and Parks Office.

The secretary and parks officials are said to be of the opinion that it is through their efforts that a measure of unification and development through P. W. A., C. C. C. and other Federal works funds has been brought at last to Washington recreation, while the Board of Education has contributed little towards either, and the Commissioners only \$25,000 in some years.

Only last winter Secretary Ickes announced an expanded C. C. C. program to develop the city's recreation areas.

**Refusal Pictured as Curt.**  
The two amendments to the bill were sent to the District Commissioners, as is customary, after the bill was reported to the House and the provisions objectionable to the Interior Department made public. It was learned that Mr. Ickes and parks officials regarded as curt the refusal of the Commissioners to consider supporting the amendments. And it was then that Mr. Ickes decided to deal directly with the Senate.

He has received a reply from Senator Overton, it was learned, saying the amendments will receive careful consideration.

**Federal Bar Prepares For 20th Convention**  
The Federal Bar Association is making plans for its 20th annual national convention at the National Press Club on May 6.

William M. Morell of the Veterans' Administration, national president, will preside over the dinner preceding the convention, and the convention itself. Representatives from branch chapters of the organization from several parts of the country are planning to attend.

## Compulsory Saluting Of Flag Is Argued Before High Court

Violation of Religious Freedom Is Charged; Defended as Education

By THE ASSOCIATED PRESS.  
Requiring school children to salute the American flag was denounced as a violation of religious freedom and defended as education in patriotism in arguments before the Supreme Court yesterday.

The question at issue was the constitutionality of a Minersville (Pa.) School Board regulation requiring the salute. The regulation was challenged by two children, who were expelled for failure to comply with it.

Joseph P. Rutherford, attorney for the children, argued that they believed saluting the flag constituted "idolatry" and "bowing down to a graven image" and that they would be "destroyed" if they did so.

Joseph W. Henderson, counsel for the school board, asserted that the salute was a "patriotic" ceremony and had "nothing whatsoever to do with a person's religious feelings."

The contention of the children also was supported by George K. Gardner, Harvard law professor, who appeared for the American Civil Liberties Union as a "friend of the court."

Chief Justice Hughes, after explaining that the flag symbolizes the United States system of Government, asked Mr. Gardner if a State or school district did not have the right to require flag saluting in order to "encourage children" to understand American institutions.

Mr. Gardner replied that the "question of what promotes loyalty is a question about which there are no experts."

## Holdups of Liquor And Drug Stores Net Bandits \$250

Intruder Fires Shot Into Floor in One Of Robberies

Bandits fired a shot into the floor of a liquor store last night in one of two holdups which netted them \$250.

Two middle-aged white men pulled guns on Hyman Kopit in his liquor store at 1101 K street S.E., and demanded money.

They ordered Mr. and Mrs. Kopit to get down on the floor behind the counter while they emptied the cash register. One of the victims, it was said, raised up to look over the counter and a robber fired his gun into the floor. The bandits fled with \$150.

At about the same time two youthful robbers walked into the drug store of Walter J. Donahoe at 2701 Twelfth street N.E. and took \$100 from the cash register while covering Mr. Donahoe with a revolver.

Brana Darden, clerk in an ice cream store at 1016 North Capitol street, was robbed of \$7 last night by an armed colored youth.

Senor Dr. Don Enrique Lopez Herrarte, first secretary of the Guatemalan Legation, reported to police yesterday that a thief cut a hole through the top of his sedan, parked on E street near Twelfth street N.W., and made off with a camera valued at \$75 and a pair of binoculars valued at \$15.

**Post Office Bid Awarded**  
Low bidder yesterday for construction of a post office at Blackstone, Va., was Grover H. Ashbrook, Hyattsville, Md., whose estimate was \$43,274.

## Why Must They Die? No. 17

One of a Series of Factual Analyses of D. C. Traffic Fatalities

Killed in Traffic Same Time Last Year—30

The place: First street between Seaton place and S street N.W.

The accident: A 35-year-old colored woman was injured fatally when struck by a southbound automobile as she was crossing from east to west on First street about 65 feet south of the intersection with Seaton place.

Investigation revealed the victim had apparently stepped into the street from between parked cars, since vehicles were parked solidly along both sides of the street. Her body slid approximately 15 feet diagonally along the street, coming to rest almost beneath the wheels of a car traveling north on First street. She died two hours later in Freedmen's Hospital of a fractured skull and crushed chest.

The time: About 7 p. m., April 12.

Weather: A mixture of rain and snow. Visibility bad.

The street: Wet, straight, with slight downgrade.

The vehicle: A 1937 sedan. Brakes tested by police and found to be in good condition. Both windshield wipers working.

The driver: A 20-year-old man with four years' driving experience and no previous accident record. Police said the driver told them he was traveling between 20 and 25 miles per hour and that he didn't see the victim until she suddenly appeared in front of his car. He immediately applied the brakes, but struck the victim almost at the same time. The woman was dressed in dark clothing and was described by the driver as facing west at the time of the accident.

Coroner's jury verdict: Death by accident due to carelessness of deceased; driver of striking vehicle exonerated.

**Pope Receives Taylor**  
VATICAN CITY, April 26 (AP).—Pope Pius today received Myron C. Taylor, President Roosevelt's personal representative, in a private audience.

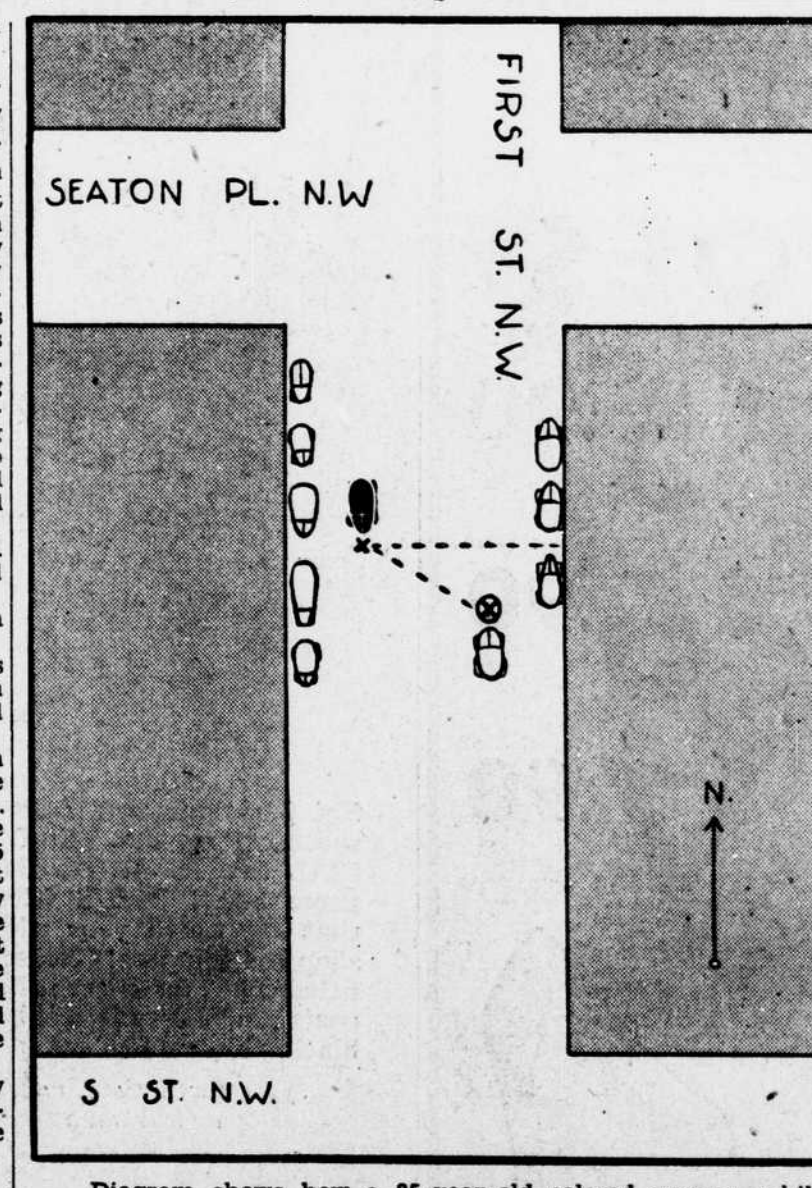


Diagram shows how a 35-year-old colored woman, while crossing from the east to the west curb of First street N.W., after stepping into the street from between parked cars, was struck by a southbound automobile. "X" denotes where the victim was struck and the circled "X" shows where the body landed after the collision.

## Trial Recessed After Testimony On Strike Cause

Engineers' Union Agent to Be Heard In Case Against Five

By J. A. FOX.  
A District Court jury today still was looking for more light on the building strike here last fall which tied up about \$4,000,000 in Government construction as the trial of the five union officials the Justice Department charges were responsible recessed until Monday.

After a day of testimony in which Walter R. Hutchinson, special assistant to the Attorney General, and Joseph A. Padway, counsel for the American Federation of Labor, sought to prove conflicting theories through the same witnesses, Justice F. Dickinson Letts suspended proceedings over the week end because he was to be engaged with arraignments and sentences today.

The first witness when the trial is resumed presumably will be John P. Shields, business agent for Local 77 of the Operating Engineers' Union, who had just been brought to the stand at adjournment time yesterday.

**Five Blamed For Strike.**  
The Government charges that five officials of the teamsters' union were responsible for a general strike of teamsters which was started on September 12 in an effort to put teamster union members on concrete mixing contracts driven by operating engineer members.

The defense says the strike actually resulted from the failure of dump truck drivers, who are members of the teamsters, to negotiate a new contract, and that the intervention row was a side issue.

**Was a Side Issue.**  
Testifying for the Government, two dump truck operators, George L. Potts and H. W. Kopp of Baltimore, said their men were pulled off of the Census Building September 12, and that Stuart M. Keyser, a business agent for Teamsters Local 639, said it was a development of the row over the mixer trucks with which they were not concerned. At that time the dump truck operators were negotiating a new contract with the Teamsters, and, under cross-examination, both witnesses said they had no more trouble after an agreement was reached September 26.

**Testifies on Strike Cause.**  
The dump trucks haul dirt and the concrete mixers the mixed concrete, and the Government brought the indictments under the Sherman Act, declaring that alleged efforts to stop the delivery of concrete constituted an illegal restraint of commerce.

Mr. Kopp, after testifying to Mr. Keyser's comment about the Census building strike cause, said that "he changed his statement quickly and that it was due to a non-union condition on the job."

The defense contends that on this building the employment of two non-union mixer drivers by the general contractor, Matthew McCloskey, was the cause at issue.

Frank J. Sheehan, secretary of the Master Builders' Association, another Government witness, retorted that after the strike started John P. Coyne, president of the building trades department of the American Federation of Labor with which Teamsters and Operating Engineers are affiliated, had him bring Mr. Keyser and Linwood A. Trainor, another business agent of Local 639 who also is defendant, to his office to discuss a settlement.

**"Didn't Want to Tell."**  
He said Mr. Coyne discussed the strike as a jurisdictional controversy, and that the building trades head said newspapermen were after him for a statement and that he "didn't want to tell them that it was a jurisdictional strike."

"He said he would prefer to tell them it was a wage-hour dispute," the witness said. He responded to another question that "as I recall it there was no conversation on the wage-hour dispute at all."

Mr. Sheehan did not remain throughout the conference and said he asked Mr. Keyser the next day if any conclusion had been reached, but was told there had not been.

In addition to Mr. Keyser and Mr. Trainor, other defendants are Charles J. Bell and Aubrey W. Stream of Local 639 and Thomas O'Brien, an international union representative.

**Fort Davis Citizens Seek Improvements**

The Fort Davis Citizens' Association last night petitioned the Post Office Department for improved mail delivery service in the community, particularly in the areas of Highway drive, Texas avenue, Carpenter and Thirty-eighth streets S.E. Authorities also will be asked to install a fire alarm box at Pennsylvania and Texas avenues S.E.

It was voted to ask the Highway Department to resurface and grade Thirty-fifth street between Pope and Nash streets S.E. and to improve Carpenter street from Texas avenue to Highway drive. A motion picture presented by American Airlines was shown.

William A. Duvall presided over the meeting, held in the Southeast Branch Library.

**Boy, Falling in Pool, Dies**

Herman Satterwhite, 13, colored, resident of a hotel at Thirtieth and T streets N.W., died at Freedmen's Hospital early today as a result of immersion a few hours earlier in the swimming pool in a Y. M. C. A. branch in the 1800 block of Twelfth street N.W.

The child stepped off the deep end of the pool, it was said, and was pulled from the water by the swimming instructor, who helped administer artificial respiration. He was partially revived and removed to the hospital.